

Prepared by and return to:
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BOOK 317 PAGE 137

TVA Tract No. FRM-69
STATE MS.-DE SOTO CO. *W*
FILED *W*

JUN 4 10 39 AM '97

GRANT OF TRANSMISSION LINE EASEMENT

BK 317 PG 137
W.E. DAVIS CH. CLK.

FOR AND IN CONSIDERATION of the sum of SIXTY-EIGHT THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$68,400.00), cash in hand paid, receipt whereof is hereby acknowledged, we, the undersigned,

WILLIAM C. GARTRELL, III, DOROTHY BRYAN GARTRELL, and KAY GARTRELL KIRSCHNER

have this day bargained and sold, and by these presents do hereby grant, bargain, sell, transfer, and convey unto the UNITED STATES OF AMERICA a permanent easement and right-of-way for the following purposes, namely: the perpetual right to enter at any time and from time to time and to erect, maintain, repair, rebuild, operate, and patrol one line of poles or transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said right-of-way, together with the right to clear said right-of-way and keep the same clear of brush, trees, buildings, and fire hazards; to destroy or otherwise dispose of such trees and brush; and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within 5 feet of any transmission line structure or conductor; all over, upon, across, and under the land described in Exhibit A hereto attached and by this reference hereby incorporated in and made a part of this instrument as fully as if here written.

Subject property was acquired by William C. Gartrell, Jr., by deed of record in Deed Book 31, page 394, in the office of the Chancery Court Clerk of DeSoto County, Mississippi. The said William C. Gartrell, Jr., died on October 31, 1982, and devised subject land to Dorothy Bryan Gartrell, William C. Gartrell, Jr. (the same person as William C. Gartrell, III) and Kay Gartrell Kirschner by will dated August 16, 1982, of record in Will Book 15, page 378, in said Clerk's office. See Probate Case No. 83-10-728, and Minute Book 79, page 221, in said Clerk's office. The said William C. Gartrell, III conveyed a life estate in his undivided 1/3 interest to Dorothy Bryan Gartrell by deed of record in Deed Book 210, page 283, in said Clerk's office.

The grantors covenant that the land described herein constitutes no part of their homestead.

TO HAVE AND TO HOLD the said easement and right-of-way to the UNITED STATES OF AMERICA and its assigns forever.

We covenant with the said UNITED STATES OF AMERICA that we are lawfully seized and possessed of said real estate, have a good and lawful right to convey the easement rights hereinabove described, that said property is free of all encumbrances, and that we will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.

We agree that the payment of the purchase price above stated is accepted by us as full compensation for all damage caused by the exercise of any of the rights above described; except that the UNITED STATES OF AMERICA shall remain liable for any damage to growing crops and any direct physical damage caused to the property of the undersigned by its construction forces or by the construction forces of its agents and employees in the erection and maintenance of or in exercising a right of ingress and egress to said line.

We, for ourselves, our heirs, personal representatives, successors, and assigns, covenant with the UNITED STATES OF AMERICA that no buildings or fire hazards will be erected or maintained within the limits of the right-of-way, and agree that this shall be a real covenant which shall attach to and run with the land affected by the easement rights and shall be binding upon everyone who may hereafter come into ownership of said land, whether by purchase, devise, descent, or succession.

Wherever the context requires, the plural number as used herein shall be read as singular.

IN WITNESS WHEREOF, we have hereunto subscribed our names this 28th day of May, 1997.

KAY GARTRELL KIRSCHNER
KAY GARTRELL KIRSCHNER

STATE OF Mississippi)
~~MARYLAND~~)
COUNTY OF DeSoto) SS
~~MONTGOMERY~~)

Before me personally appeared KAY GARTRELL KIRSCHNER, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that she executed and delivered the same as her free act and deed on the day and year therein mentioned.

WITNESS my hand and official seal this 28th day of May, 1997.

Jamie E. Womack
NOTARY PUBLIC

My Commission Expires: My Commission Expires Apr. 23, 2000

The name and address of the owner of the aforescribed easement is:

EASEMENT OWNER:

United States of America
Tennessee Valley Authority
EB 4A
1101 Market Street
Chattanooga, Tennessee 37402-2801
Telephone: 423-751-3542

[Tax Exempt - Miss. Code
§27-37-301]

The name and address of the legal owner is:

OWNER:

William C. Gartrell, III, et al.
7235 Cedardale
Olive Branch, Mississippi 38654
Telephone Number: (601) 895-6105

(See D. B. 31, page 394,
Will B. 15, page 378, and
D. B. 210, page 283.)

INDEXING INFORMATION: The NE 1/4 of the SW 1/4 of Sec. 16, the NW 1/4 of the SE 1/4 of Sec. 16, and the NE 1/4 of the SE 1/4 of Sec. 16, all in T2S, R8W.

EXHIBIT A

FREEPORT - MILLER

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William C. Gartrell, III et al

A permanent easement for transmission line purposes on, over, and across a parcel of land located in Section 16, Township 2 South, Range 8 West of DeSoto County, State of Mississippi, as shown on sheet 4 of US-TVA drawing LW-8034, Revision 2, the said parcel being more particularly described as follows:

Commencing at the northwest corner of Section 16, Township 2 South, Range 8 West and the southwest corner of Section 9, Township 2 South, Range 8 West, said section corner being the property corner common between the lands of William W. Payne et al and Gladys Louise Milton; thence leaving said point and with the north fenced property line of the land of Gladys Louise Milton and the south fenced property line of the land of William W. Payne et al S. 87° 52' 52" E., 33.50 feet to a point, said point being in the centerline of the said location at survey station 350 + 65.00, said fenced property line being the north section line of Section 16 and the south section line of Section 9; thence leaving said point and with the said centerline S. 6° 22' 06" E., 24.37 feet to a point of intersection at survey station 350 + 89.37; thence continuing with the said centerline S. 43° 09' 56" E., 1863.40 feet to a point of intersection at survey station 369 + 52.77; thence continuing with the said centerline S. 4° 28' 20" E., 1315.73 feet to a point, said point being in the north fenced property line of the land of William C. Gartrell, III et al and in the south fenced property line of the land of Marshall Tate et al at survey station 382 + 68.50, said point being east 1458 feet from a property corner common between the lands of William C. Gartrell, III et al and Levon Bullard et ux, said fenced property line being the east - west 1/4 section line of Section 16, said point being the point of beginning.

Thence from the point of beginning and with the said fenced property line and said 1/4 section line S. 87° 49' 14" E., 88.32 feet to a point, said point being in the northeast right-of-way line of the said location; thence leaving said point and with the said right-of-way line S. 54° 54' 20" E., 1322.66 feet to a point; thence continuing with the said right-of-way line S. 88° 42' 50" E., crossing the north - south 1/4 section line of Section 16, 2366.94 feet to a point; thence continuing with the said right-of-way line S. 79° 49' 40" E., 260.71 feet to a point, said point being in the east fenced property line of the land of William C. Gartrell, III et al and in the west fenced right-of-way line of DeSoto County, Mississippi (Tulane Road); thence leaving said point and with the said fenced property line and said fenced right-of-way line S. 0° 30' 40" E., 50.88 feet to a point, said point being in the centerline of the said location at survey station 423 + 27.40, said point being S. 0° 30' 40" E., 93 feet from a 1/2 inch iron pin property corner common between the lands of William C. Gartrell, III et al and Mason Williams et al; thence continuing with the said fenced property line and said fenced right-of-way line S. 0° 30' 40" E., 50.88 feet to a point, said point being in the south right-of-way line of the said location; thence leaving said point and with the said right-of-way line N. 79° 49' 40" W., 271.81 feet to a point; thence continuing with the said right-of-way line N. 88° 42' 50" W., crossing the said north - south 1/4 section line, 2389.56 feet to a point; thence continuing with the said right-of-way line N. 54° 54' 20" W., 1450.53 feet to a point; thence continuing with the said right-of-way line N. 4° 28' 20" W., 31.98 feet to a point, said point being in the said fenced property

William C. Gartrell, III et al

line and said east - west 1/4 section line common between the lands of William C. Gartrell, III et al and Marshall Tate et al; thence leaving said point and with the said fenced property line and said 1/4 section line S. 87° 49' 14" E., 50.34 feet to the point of beginning and containing 9.3 acres, more or less.

The above described parcel of land is lying partially in the northeast 1/4 of the southwest 1/4 of Section 16, partially in the northwest 1/4 of the southeast 1/4 of Section 16, and partially in the northeast 1/4 of the southeast 1/4 of Section 16, Township 2 South, Range 8 West.

Furthermore, said permanent easement rights include the perpetual right to install, maintain, and replace guy wires and necessary appurtenances outside the right-of-way for the transmission line structures located at survey stations 382 + 71.10, 396 + 82.89, and 420 + 61.14.

03/18/97

date received 3/20/97